

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

FRANCISCO ANDRICKSON PENA,

Defendant.

18-CR-858 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge:

On October 30, 2019, defendant was sentenced principally to a term of imprisonment of 84 months.

On December 11, 2023, defendant filed a motion requesting that the Court reduce his sentence pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023, and applies retroactively.

The Court has determined that defendant is not eligible for a sentence reduction. Defendant is precluded from the status points reduction in Amendment 821 because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence. *See* U.S.S.G. § 4A1.1. In addition, defendant is precluded from the zero-point offender reduction because he had more than zero criminal history points. *See* U.S.S.G. § 4C1.1.

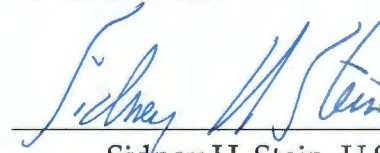
Accordingly, defendant's motion is hereby DENIED.

The Clerk of Court is directed to mail a copy of this Order to Francisco Andrickson Pena (#76203-054), FCI Pollock, Federal Correctional Institution, P.O. Box 4050, Pollock, LA 71467.

Dated: New York, New York

January 31, 2024

SO ORDERED:

A handwritten signature in blue ink, appearing to read "Sidney H. Stein", is written over a horizontal line.

Sidney H. Stein, U.S.D.J.